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Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination on its mission to Belgium

Addendum

Comments of the Government of Belgium to the report of the Working Group*

* The document is circulated as received.

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A. Executive Summary

1. In recent years, the world has faced a new form of threat, based on the fundamental rejection of democracy and human rights and fueled by feelings of hatred with a variety of causes at their core. The scourge of terrorism has made innocent victims across the world, of all ages, ethnicities and creeds, including in Belgium. On March 22nd, Belgium was the target of multiple attacks and experienced one of the darkest days in its recent history. Like many other countries targeted by this latest form of terrorism, Belgium is an open and democratic society with Human Rights and Fundamental freedoms at its core. Committed to protecting our citizens and all those who have chosen Belgium as their home, we remain firmly resolved to protect those values in our response to terrorism. Like other countries, Belgium is indeed confronted with a number of challenges in the fight against violent extremism and terrorism, but it has always stood ready to take up its responsibility and will continue to do so in the future. The Belgian authorities have decided for a resolutely holistic approach to the matter, where prevention, repression and duty of care go hand in hand.

2. For more than a decade, the Belgian authorities from all branches of power, have been working on the issue of hate speech and prevention of radicalization as well as on the reinforcement of legal and other frameworks to address the challenges posed by terror in all its forms, both at the domestic and international level. The threat of terrorism, and particularly the issue of Foreign Terrorist Fighters (FTF) is at the center of a series of coordination mechanisms at the international level in which Belgium is fully engaged. We are also keenly aware of the necessity to mainstream human rights in any policies or measures developed in the fight against extremist violence and terror, as demonstrated by Belgium's active engagement on and co-sponsoring of Human Rights Council and 3rd Committee resolutions that address this particular concern and reaffirm States' responsibilities and commitments in this regard. Belgium is also actively engaged on this issue at a regional level. It is under the Belgian Chairmanship of the Committee of Ministers of the Council of Europe that the Council of Europe adopted its Action Plan on the fight against violent extremism and radicalization leading to terrorism, and the Additional Protocol to the Convention on the Prevention of Terrorism, specifically aimed at addressing the FTF challenge in line with the three pillars of the Council: human rights, democracy and the rule of law. Belgium is also very active in this field at the EU level.

3. A number of consultation and coordination mechanisms to address the issue were also developed within Belgium in recent years, particularly on prevention of radicalization and violent extremism in a wider sense. The exchange platform set up by the Federal Ministry of Interior dedicated to prevention bringing together all the relevant protagonists from federal, regional, community and local level on a regular basis is a good example of such cooperation. It enables authorities from all levels to exchange on both general and local policies as well as specific challenges they face. Other more specialized platforms have also been created to bring together experts around specific issues, such as communication and the development of counter-narratives. Expertise platforms also exist within the different regions/communities of Belgium so as to garner all the expertise at that level and at the level of cities and municipalities. As opposed to prevention initiatives, legal and judicial initiatives and proceedings such as investigation and prosecution of acts linked to terrorism are all concentrated at the federal level. A number of policies have also been developed recently in this field to ensure that the issue of FTF be addressed in a coherent and efficient manner, in full respect of Belgium's human rights commitments in the framework of the United Nations, of the European Convention of Human Rights and of the Charter of Fundamental Rights of the European Union.

4. both in Belgium and elsewhere has indicated that the profiles of radicalized individuals vary enormously, as do the root causes that seem to push them onto the path of violent extremism. This entails that highly centralized policies to address the issue do not provide all the answers, especially when it comes to prevention. They have to be complemented with more tailor-made local initiatives that are more effective when implemented in proximity with the groups identified as vulnerable to radicalization. The Belgian federal structure offers a great deal of flexibility to develop grass-roots best practices in which local authorities, such as the cities or municipalities, play a central role. The Belgian authorities at all levels are convinced that our institutional organization can be an asset in the fight against violent extremism and terrorism and specifically in terms of preventive action.

5. Human rights, rule of law and democracy are principles that lie at the basis of Belgian society and are guaranteed by the Constitution, which explicitly mentions that the "enjoyment of the rights and freedoms recognised for Belgians must be provided without discrimination. To this end, laws and federate laws guarantee among others the rights and freedoms of ideological and philosophical minorities". It is in this spirit that a number of laws have been adopted and institutions created to ensure that these principles are implemented fully in practice and that individuals who feel that their rights have been violated have access to effective complaint mechanisms and remedy. Since the creation of the United Nations, Belgium has been at the forefront with regards to human rights commitments as illustrated by its active engagement in the work of the Human Rights Council, the Universal Periodic Review, as well as its unwavering support for special procedures and treaty bodies. This commitment to human rights is implemented in our national policies where human rights, democracy and rule of law remain the ultimate benchmarks to which all policies and actions are measured.

6. The Belgian government as well as the governments of the federated entities are committed to guaranteeing a safe, open, inclusive and peaceful society. They do so by developing a smart mix of legal and policy measures that punish hate speech, incitement to violence, xenophobia and anti-Semitism and strive to provide a level playing field and a dignified livelihood for all, guaranteeing possibilities of recourse for those individuals who feel they are being discriminated against. A number of measures have been put in place over the past decades but also in the aftermath of the FTF phenomenon, ranging from projects to promote diversity to hotlines and resilience tools for youth, social workers and families. The Belgian authorities also recently created a permanent dialogue structure with the representatives of all officially recognized beliefs in Belgium, including Islam, to enable all concerned parties to exchanges views on a variety of topics, including integration. This is one of a variety of actions that have been taken over the years to ensure the integration and peaceful cohabitation of the main religions and beliefs present in Belgium and their followers. It is in this context that Islam was granted the status of officially recognized religion in Belgium in 1974 and that the Muslim Executive, representing the recognized practitioners of the Muslim faith in Belgium, was set up in 1996. Aware of the tensions and misgivings that can arise amongst citizens in the aftermath of the attacks, preventive measures are now also being put in place not only to ensure that vulnerable youths do not take the path of violent extremism, but also to ease tensions amongst communities and to reconfirm diversity as the heart of our model of peace and prosperity. The initiatives mentioned above are just a few of many important measures and realities the Belgian authorities feel were regrettably left out in the analysis made by the Working Group and should be mentioned here.

B. Introduction

7. The government of the Kingdom of Belgium welcomes this opportunity to respond to the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination [hereunder referred to as 'the Working Group'] on its mission to Belgium in October 2015.

8. As illustrated by the standing invitation we have addressed to the Special Procedures since March 2001, Belgium is and will remain a firm supporter of the Special Procedures of the Human Rights Council, which we consider as the eyes and ears of the Council. The Belgian authorities have in the past -and will continue in the future- to take into account recommendations made by the Special Procedures to better implement our international human rights commitments in practice. In order to do so, the Belgian authorities feel that such recommendations need to go beyond general statements and into precise and practical detail to be effective. We feel the apparently random use of statistics and a number of factual inaccuracies in the report by the Working Group on its visit to Belgium greatly impact the clarity of the report and its conclusions. More generally, the lack of precision in the description, analysis and recommendations makes the report more challenging to use in defining future policy.

9. Belgium continues to regret the lack of conceptual clarity in the mandate of the Working Group, which it has already voiced bilaterally as well as alongside the EU and its Member States. Mercenaries are clearly defined under international humanitarian law and their activities are different from those of foreign fighters. As stated many times before, we are concerned that taking up such distinctive issues under one mandate will in no way work towards addressing human rights issues related to these challenges. Looking at the other recent activities of the Working Group, it would also seem that some degree of confusion exists on use of the terminology of "Foreign Fighters" itself. It should be noted that during the visit, the focus for the Belgian authorities was put on the issue of Foreign Terrorist Fighters (FTF). The issue of FTF is of a rare complexity as it takes up very different forms and is borne from a wide array of local, national and international dynamics that make it an entirely new challenge, particularly from a human rights perspective. As a result, in Belgium this phenomenon is not considered to be within the realm of mercenarism, and as was extensively explained during the visit, and both issues are dealt with in a very distinct manner both in law and in practice.

10. Throughout the report, the Working Group has focused on Belgium's federal structure and the impact this could have on the coordination of a response to radicalization and terrorism. Belgium's federal structure offers many opportunities when it comes to prevention of radicalization as, unlike very centralized states, it empowers local authorities and enables them to provide tailor-made approaches to radicalism, which can find its roots in a number of diverging factors. These approaches are shared and exchanged within an existing Prevention Platform that is convened by the Ministry of Interior and serves as consultation coordination mechanism between the different levels. A half-day seminar was organized by the Platform on the occasion of the visit of the Working Group, in attendance of prevention actors from all relevant levels ranging from the federal to the local level. The Belgian authorities regret that the report of the Working group does not take the existence of this essential platform into account when making its recommendations, notably on coordination mechanisms.

11. The government of the Kingdom of Belgium would also like to take this opportunity to provide information on some of the main policy measures that were initiated before and after the visit of the Working Group to Belgium but that the Working Group has omitted to mention in its report to the Human Rights Council. Our responses in some of the areas covered in the Working Group report are also set out below.

C. Policy Coherence

1. Judicial aspects

a. Global approach to terrorism on the side of the judiciary

12. The College of Public Prosecutors has issued (confidential) guidelines in 2005 with regard to prosecution of terrorism, which are currently under review. In 2015, the College has also issued specific guidelines regarding the prosecution in the framework of the FTF phenomenon. Generally speaking, the judicial approach is of a global nature and does not focus on incarceration but rather the longer-term goal to prevent terrorism in general. This includes an important focus on de-radicalization and reinsertion in society in the framework of the prosecution policy, imprisonment and the use and implementation of alternative sanctions.

b. Circular notes prepared by the College of Public Prosecutors

13. As previously mentioned, there are different (confidential) circulars of the College of Public Prosecutors regarding the fight against terrorism, notably:

- The Joint Circular COL 9/2005 of 15 July 2005 from the Minister of Justice and the College of Public Prosecutors on the judicial approach on terrorism;
- The Joint Circular from the Minister of Justice and the College of Public Prosecutors on investigating judges specialized in terrorism (COL 18/2006), on the Threat Assessment Coordination Body (OCAM) (COL 2/2007), and on terrorist offences (COL 12/2013 of 20 June 2013);
- The Circular COL 10/2015 of 9 September 2015 on the judicial approach regarding FTF;
- The COL 11/2016 on the refusal of issuance, withdrawal and invalidation of identity cards from Belgians with a criminal record;
- The COL 12/2016 on the refusal of issuance and withdrawal of travel documents of persons with a criminal record.

14. Reference should also be made to the Joint Circular of 21 August 2015 from the Minister of Home Affairs and the Minister of Justice on the exchange of information and the follow-up of foreign terrorist fighters from Belgium.

15. The Working Group was offered more information on these measures but did not reply to this offer or ask more information on these matters.

c. Enhancement of the Federal Prosecutor's Office

16. The law of 5 February 2016 modifying the criminal law and the criminal procedure and containing various provisions regarding Justice (BOJ 19 February 2016) extends the number of federal magistrates from 24 (art. 215) to 28.

17. Moreover, 42 additional people joined the staff of the Federal Prosecutor's Office.

d. Coordination at the international level

18. With regards to international coordination and cooperation, it should be noted that Belgium is active both at the multilateral and bilateral levels.

19. Information on terrorism-related matters is actively exchanged with Eurojust. Furthermore, Belgium extensively contributes to the Europol and Interpol databases,

making maximum use of the different information exchange channels.Belgium is one of the most forthcoming countries in contributing information for analyses provided in this context. Belgium is also part of a 24/7 contact group dedicated to exchanges of police information that was established in the context of the Council of Europe Additional Protocol to the Convention for the Prevention of Terrorism.

20. Finally, Belgium has put in place a wide range of bilateral cooperation agreements both at the level of the judiciary and police services and is part of a number of formats of cooperation and coordination in this field, such as a quadrilateral initiative with Spain, France and Morocco.

e. 18 new measures (November 2015) to fight terrorism and extremist violence

21. Additional information on the measures and their implementation is available in the annex of the Addendum.

2. Prevention aspects

a. Consultation/Coordination mechanisms

22. Regular consultations are organised between the various levels of power in the Belgian state structure (federal, regional and local), within their own competence and finality, in the framework of a "holistic" or "chain" approach towards radicalization. The Framework document "Integral Security" and the "Radicalism Plan" define the nature and practicalities of cooperation between the different levels of power and related services. The Framework document stands for an integrated security policy, that entails a vertically and horizontally integrated approach. It strives to integrate as many security aspects as possible, across the different links of the security chain: from prevention to repression and the duty of care for the victims, the perpetrator and society as a whole. The approach to radicalization, violent extremism and terrorism (including the polarisation such phenomena can cause) is one of the 10 priority themes identified in the Framework document. The latter gives an important role with regards to prevention of radicalisation to the regional and community levels by giving them the room – within their portfolio of competences such as internal governance, well-being, education, youth, media and integration- to produce and implement their own policy with regards to prevention of radicalization. The checks and harmonization between the federal level and the regional and community levels as well as the exchange of best practices are organized within the structures defined by the "Radicalism Plan". In casu, the National taskforce set up by the Coordination Unit for Threat Analysis (CUTA/OCAM) and the Prevention Platform and working groups set up by the Federal Ministry of Interior.

b. The role of Education

23. Education is an exclusive competence of the Communities who have been deploying considerable efforts to reinforce schools, teachers and student counselors by offering them support and lines of action. The action of the three Communities has also extended in the international sphere through their active engagement in the development of initiatives on this particular topic in the framework of the Council of Europe. An illustration of this commitment, is the selection of Belgium as one of the countries to test the framework of descriptors attached to the new Council of Europe competence framework on citizenship and democracy.

24. Several initiatives that have already been taken in the field of education by the Flemish government looking at encouraging inclusive education and positive counter narratives are:

- The development of an Islam expert network that works on a counter-narrative for radical Islam and counters polarization, notably by clarifying interpretations of Islam and its norms and values to students, classes, teachers and/or first-line workers. The network works preventively by guiding (class) conversations on personal beliefs and Islam. Individual remediating actions are also possible in case signs of possible radicalization are detected by teachers or primary workers.

- The development of tools to support first-line workers and teachers that are confronted with the reality of radicalization, for example an online multimedia dossier on radicalization with tips and information on signal recognition, prevention, remediation and auxiliary channels.

- Within the Department of Education, a central contact point was established for schools and student guidance centers. A contact point for radicalization was also established within every school/student guidance center umbrella group to have a clear line of communication for information and knowledge exchange between the central authority and education institutions.

- The project CONNECT is active in schools were the resilience of teachers is stretched and aims at quickly establishing the necessary expertise in order to give back confidence, strengthen and (re)empower the teachers.

- In light of dialogue between different worldviews, the school umbrella groups and the different religious denominations have renewed their commitment to collaborate.

- In collaboration with the different school umbrella groups, different training initiatives were organized and offered to frontline workers and teachers on radicalization but also on strengthening vulnerable students notably through critical thinking and dialogue.

25. The Brussels Capital Region has also developed a number of modules that provide training to first-line workers and builds awareness also in the general public:

- Training in violent radicalism for stewards: this is a 5-day training course for municipality stewards. Proposed by the ERAP (Regional School of Public Administration), this training course helps to understand and detect the phenomena of violent radicalization and teaches stewards how to act in the frame of their mission. Launched in spring 2016, this training course will continue until 2018. It will also be adapted to other frontline municipal and para-municipal workers.

- An awareness module (1/2 day) on violent radicalization for frontline stakeholders awaiting professional training. This module is developed, adapted and taught by "Brussels - Prevention & Security" (by the regional coordinator) subject to demand and in support of local stakeholders (municipalities or associations).

- Several information modules or workshops are developed and organized by associations supported by the BCR. They target the general public or professionals (e.g.: the training provided by the non-profit association Dakira "Islam, Islamism, Jihadism", the play "Djihad", etc.) in support of municipalities.

c. 18 new measures (November 2015) to fight terrorism and extremist violence

26. Additional information on the measures and their implementation is available in the annex of the Addendum.

D. Social inclusion and diversified societies

27. The federal government as well as the governments of the federated entities are committed to guaranteeing a safe, open, inclusive and peaceful society. They do so by developing a smart mix of legal and policy measures that punish hate speech, incitement to violence, racism and xenophobia and strive to provide a level playing field and a dignified livelihood for all, guaranteeing possibilities of recourse for those individuals who feel they are being discriminated against. A number of measures have been put in place at all levels over the past decades but also in the aftermath of the FTF phenomenon, ranging from projects to promote diversity to hotlines and resilience tools for youth, social workers and family.

28. A recent example is the creation by the federal authorities of a permanent dialogue structure with the representatives of all officially recognized beliefs in Belgium, including Islam, to enable all concerned parties to exchanges views on a variety of topics, including integration. This is one of a variety of actions that have been taken over the years to ensure the integration and peaceful cohabitation of the main religions and beliefs present in Belgium and their followers. It is in this context that Islam was granted the status of officially recognized religion in Belgium in 1974 and that the Muslim Executive, representing the recognized practitioners of the Muslim faith in Belgium, was set up in 1996.

29. Aware of the tensions and misgivings that can arise amongst citizens in the aftermath of the attacks and other attempts to destabilize our society, preventative measures are now also being put in place at the regional and community level not only to ensure that vulnerable youths do not take the path of violent extremism, but also to ease tensions amongst communities, strengthen social cohesion and fight polarization. An example of such initiatives is the creation of one Flemish and two city-based agencies for integration and citizenship whose mission is to support, stimulate and accompany integration. They set up individual integration/citizenship trajectories for newcomers but also organize trainings and support processes and projects to increase the accessibility of regular organizations and services. They also support local authorities to set up actions that strengthen social cohesion. In addition, these agencies have the mission to support platforms working on the positive image of persons with a migration background and provide objective information on the matter.

30. In the Flemish region and community, the policy developed to counter radicalization also encompasses a pillar that looks at supporting the development of positive identities with Muslim youths. This happens on the one hand through financing of projects organized by youth associations and on the other hand by training teachers and first line social workers. "Motief vzw", an organization that has garnered substantial expertise in the field of society and religion or belief, receives Flemish support for the organization of a "train the trainer" program around identity development amongst Muslim youths. This way, first line social workers, teachers and employment consultants can support and accompany these youths in a better way as they develop their own identity. The onus of the training is set on the critical thought process, that supports these young people on their identity quest and stimulates critical citizenship.

31. On top of this, cities and municipalities receive direct financing from the different regional and community authorities to work on integration within their jurisdiction.

E. Human rights aspects

32. Since the creation of the UN, Belgium has been at the forefront with regards to human rights commitments as illustrated by its active engagement in the work of the Human Rights Council, the Universal Periodic Review, as well as its unwavering support for special procedures and treaty bodies. This commitment to the respect of human rights is implemented in our national policies where human rights, democracy and rule of law remain the ultimate benchmarks to which all policies and actions are measured.

33. Human rights, rule of law and democracy are principles that lie at the basis of Belgian society and are guaranteed by the Constitution, which explicitly mentions that the "enjoyment of the rights and freedoms recognised for Belgians must be provided without discrimination. To this end, laws and federate laws* guarantee among others the rights and freedoms of ideological and philosophical minorities".

34. It is in this spirit that a number of laws have been adopted and institutions created to ensure that these principles are implemented fully in practice and that individuals who feel that their rights have been violated have access to effective complaint mechanisms and remedy. As examples of anti-discrimination legislation, one can site the Belgian Anti-Racism Law, (Law of July 30, 1981 on the punishment of certain acts inspired by racism or xenophobia, a law against hate speech and discrimination which made certain acts motivated by racism or xenophobia illegal), the Collective Labor Agreement of 7 May 1996 Concluded by the Commission for Temporary Employment with Respect to the Code of Best Practices Relating to Racial Discrimination, the Law of 25 February 2003 Combating Discrimination (amending the Law of 15 February 1993 Founding the Centre for Equal Opportunities and Opposition to Racism), the Law of 10 May 2007 (amending the Law of 30 July 1981 and the Bill of 26 October 2006 Combating Certain Acts Inspired by Racism and Xenophobia), the Law of 10 May 2007 adapting the Judicial Code to the Legislation Combating Discrimination and Repressing Certain Acts Inspired by Racism or Xenophobia as well as a number of decrees and ordinances at the Flemish, Walloon, Brussels and French and German speaking regional community levels. The independent Centre for Equal Opportunities and Anti-racism was created in 1993. It has since been reformed and split into two institutions, UNIA (the Interfederal Centre for Equal Opportunities) and Myria, the Federal Migration Centre, both of which have the mandate to inform, analyze situations, accompany eventual victims of discrimination, and provide remediation and work towards remedy (including through filing a formal complaint to the courts). On matters related to the right to privacy, also relevant in the context of the fight against extremist violence and terrorism, one should also note initiatives such as the Privacy Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data, which aims to protect individuals against abuse of their personal data by establishing rights and obligations of the individuals whose data are processed, as well as the rights and obligations of those processing the data. The Privacy Act also established an independent supervisory authority: the Commission for the Protection of Privacy, which ensures that personal data are used and protected with due care, so that citizens' privacy remains safeguarded.

35. Police services are required, in the execution of their mission, to respect the Belgian and International judicial framework, including provisions that protect human rights. The effective implementation of these provisions is ensured at multiple levels: in the legal and regulatory framework applicable to the police corps and services as well as in the Human Resources policy that is applied within the police corps. The respect of human rights by police officers is constantly evaluated and sanctions are applied through statutory evaluation procedures or the recourse to disciplinary or criminal proceedings.

36. The respect of human rights is a guiding thread throughout the training of police officers at every stage of their career. Some specific examples of trainings oriented towards

human rights are the "Salduz" training that was provided following the Salduz Law of August 3th 2011, the training for the reference officers in charge of matters relating to discrimination and hate offences or crimes (following a Circular note drawn up by the College of Public Prosecutors in 2013), and the training matters relating to the Holocaust and human rights (developed in cooperation with the Kazerne Dossin[1]) which was put in place to reinforce the training and awareness of police officers to issues of citizenship, democratic values and the defense of individual freedoms and human rights, as well as to the issues of exclusion, xenophobia and the importance of autonomous thinking. The police is pursuing its efforts to reinforce both qualitatively and quantitatively the Human Rights training at all levels, including training specifically dedicated to non-discrimination, prohibition of torture and respect for diversity. This work is done in cooperation with independent external experts such as experts working with UNIA, the independent public institution combating discrimination and promoting equal opportunities.

37. Regular consultation with civil society and independent experts and bodies on the topics at hand by all levels of power in Belgium also ensure that eventual issues related to Human Rights are quickly identified and can be addressed. As an example of the work of authorities with civil society organizations one can cite the Brussels regional associative platform. Since April 2016, associations that benefit from support from the Brussels Capital Region - either through subsidies or through staff - meet under the auspices of the "Brussels - Prevention & Security" unit. This platform's associations are active in a multitude of fields (individual support, collective support, development of tools, training courses, guidance) and their actions either directly or indirectly target citizens concerned by the phenomenon of radicalization throughout the entire chain of the process. This platform also has many objectives:

- to strengthen the territorial presence and local integration of associative stakeholders;
- to ensure appropriate guidance for the people concerned;
- to create synergies between actors in the field;
- to be a resource for municipal prevention services (support, information and training).

38. Occasionally, the associative platform is associated with the regional radicalism platform. This will mainly happen in the context of the training of stakeholders from the associative sector or the presentation of tools and projects developed by associations to police zones and municipalities.

39. The relevant units working on radicalization at the federal and community or regional level are also in regular contact with think-tanks, policy tanks, academics and practitioners from Flanders, Wallonia, Brussels, Europe and the rest of the world that could potentially intervene in platforms or provide advice on good practices. As an example of this, on can mention that in May 2016, the Brussels Prevention unit signed a cooperation agreement with the Quebec Centre for Prevention of Radicalization Leading to Violence (CPRLV). This provides mainly for the development of support and training tools and the exchange of good practices. This exchange is conducted in association with the French speaking Community of Belgium in the frame of the development of its support centre.

[1] a museum and place of commemoration that deals with the persecution of Jews and gypsies in Belgium in the run up to and during the 2nd World War and looks into matters of mass violence in general

F. Additional clarifications

1. Definition of Foreign terrorist fighters

40. The Belgian authorities wish to add the following explanatory comments with regards to the issue of the definition of a foreign terrorist fighter and the contents of paragraphs 45, 46 and 47 of the report of the Working Group:

41. Regarding para. 45 of the report: Belgium takes the view that members of an organized armed group, which is a party to an armed conflict not of an international character, lose their protection as long as they are members of such an organized armed group, while civilians lose their protection only when they directly participate in hostilities.

42. Regarding para. 46 and 47 of the report: it is unclear why for the specific case of Belgium the Working Group wants to lay particular emphasis on the distinction between foreign terrorist fighters on the one hand, and foreign fighters per se on the other hand. It is unclear how the Working Group came to the conclusion that Belgium is "seeking to apply UN Security Council Resolution 2178 extensively [sic] in its national efforts". The competent authorities will, in any case, assess the situation of any foreign fighter as to determine whether this individual falls under the scope of application of the Belgian criminal legislation.

2. De-radicalization in prisons

43. The Belgian authorities are aware of the challenges posed by radicalization in prisons and support the Council of Europe project that has been developed specifically on this issue in the framework of the Council of Europe Action Plan on the fight against violent extremism and radicalization leading to terrorism.

44. On the domestic front, it should be noted that the Action Plan against Radicalization in Prisons of March 2015 is being implemented. In particular, two special sections have been opened in the prisons of Ittre and Hasselt to deal with radicalized inmates showing a high risk of radicalizing others. Other offenders, who are condemned or suspected for related crimes, are spread over the prisons to avoid further effect on others. At the same time the Ministry of Justice is currently working on attracting more Islam-consultants that are capable of preventing and stopping processes of radicalization within the prisons.

45. De-radicalization is seen as an individual process where there is a theological aspect to address, an important role for a mentor (focus on re-integration) and if possible the positive involvement of the family (or significant other). Multiple initiatives have been taken in this regard at the regional and community level as well. The Flemish government has decided to support its actions (help and services) in the prisons by recruiting two experts on radicalization. These experts can advise other employees, but they will also take the leading role in the de-radicalization of these inmates. In their strategic plan on help and support to prison detainees that was adopted in July 2015, the Flemish authorities also commit to taking on the issue of radicalization in prisons together with the Ministry of Justice and the Flemish platform for radicalization. More people will be hired to put in place individualized accompaniment trajectories with radicalized detainees and to provide professional help to service providers in Flemish and Brussels prisons as well as Flemish and Brussels judicial assistants who are confronted with radicalized detainees and ex-detainees with a view on disengaging them from their radicalism and reintegrating them into society. The Wallonia-Brussels Federation has on its end decided to create a center to help and assist people concerned by violent radicalism. Currently the Walloon and Brussels authorities are still in the exploratory phase and have established numerous contacts with

professionals in the field (police services, magistrates, academics, civil society stakeholders, administrative and religious authorities). Study travels focusing on foreign experiences have also been organized to Denmark, Canada, France, Germany, etc.